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Annual Report

**Office of the
Information and
Privacy Commissioner**

Alberta

2000 – 2001 Annual Report



The Purposes of the *Freedom of Information and Protection of Privacy Act*

The purposes of the *Freedom of Information and Protection of Privacy Act* according to section 2 of the Act are:

- a) to allow any person a right of access to the records in the custody or under the control of a public body, subject to limited and specific exceptions as set out in the Act,
- b) to control the manner in which a public body may collect personal information from individuals, to control the use that a public body may make of that information and to control the disclosure by a public body of that information,
- c) to allow individuals, subject to limited and specific exceptions as set out in the Act, a right of access to personal information about themselves that is held by a public body,
- d) to allow individuals a right to request corrections to personal information about themselves that is held by a public body, and
- e) to provide for independent reviews of decisions made by public bodies under this Act and the resolution of complaints under this Act.

Copies of this report are available from:

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August 31, 2001

Honourable Ken Kowalski
Speaker of the Legislative Assembly
325 Legislature Building
10800 – 97 Avenue
Edmonton, Alberta
T5K 2B6

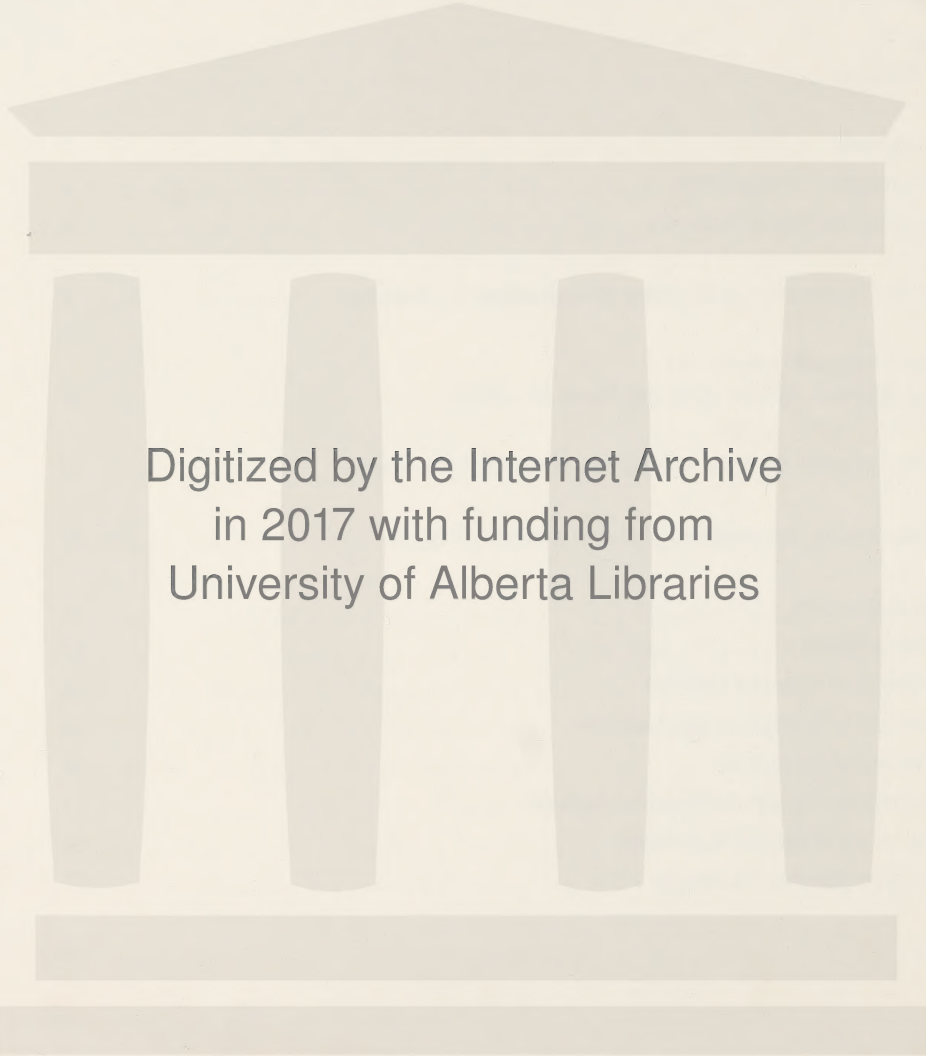
Dear Mr. Speaker:

I am pleased to submit to you the Annual Report of the Office of the Information and Privacy Commissioner, covering the period from April 1, 2000 to March 31, 2001.

This report is submitted under section 61(1) of the *Freedom of Information and Protection of Privacy Act*, Chapter F-18.5 of the 1994 Statutes of Alberta.

Yours truly,

Robert C. Clark
Information and Privacy Commissioner



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Commissioner's Message

Beginnings

It is hard to imagine, but it has been six years since I accepted the job of Alberta's Information and Privacy Commissioner. Over those six years, I have seen the *Freedom of Information and Protection of Privacy Act* (the "Act") encompass all public bodies rather successfully. From 1995 to 2001, over 1,100 cases were opened with the office. The growth of the Internet over the past six years, although a boom for access to information, has proven to be a challenge for privacy advocates such as myself. And now, the *Health Information Act* will protect the collection, use and disclosure of personal health information. In June of this year, I announced my resignation as Information and Privacy Commissioner. As a result, the Office of the Information and Privacy Commissioner and the Office of the Ethics Commissioner (my other role) will become separate offices, effective September 1, 2001.

Accomplishments

There have been a number of interesting and exciting events over the past six years that I would like to highlight. Among the most noteworthy:

- Attaining recognition for the Act within and outside of Alberta. Presenting FOIP as reform legislation with a populist spirit.
- An opportunity to take part in the Open Government Movement in the Republic of South Africa in February 1996.
- For the five-year anniversary of the Act, the office launched a province-wide art and essay contest to educate youth about their rights under the Act. The contest proved to be popular and I would like to thank all participants and winners.
- The office commissioned a Privacy Awareness Survey that showed more than 70 per cent of Albertans were concerned with protecting their personal information.

- The introduction of our office's Privacy Impact Assessment (PIA) template will assist public bodies in assessing the privacy risk of new schemes and mechanisms for the collection, use and disclosure of personal information. The PIA will be a useful tool for jurisdictions falling under the *Health Information Act*, as a PIA is mandatory under the new legislation.

Challenging Assumptions and Pricking Balloons

This office has investigated contentious issues and never shied away from releasing controversial orders. Some of the more interesting issues this office has dealt with include: ministerial briefing books (definition of briefing document); Cattle Commission Report (what is considered research); university reference letters (a broader definition of governance); Statistics Canada/Revenue Canada (limits of legal authority); law enforcement matters (a test for the judicial review process); and the Calgary Board of Education (accountability of elected officials).

"Pricking balloons" like these have been hard on egos, but it helps government and other public bodies see themselves from the outside looking in.

Always Educating

This Office has a mandate to inform and educate the public about the *Freedom of Information and Protection of Privacy Act*, particularly citizens' rights under the access to information and protection of privacy provisions of the Act. This endeavour has always been a priority with my Office. Some of the organizations we have targeted over the past five years included the media (editorial boards), consumers groups, elected and non-elected officials, and youth, through privacy awareness seminars.

I would like to make a comment about the "Information Access and Protection of Privacy Foundations" course and "The Access and Privacy Administration Certificate Program" offered online through the Faculty of Extension at the University of Alberta, beginning September 2001. I want to commend Government Services, Municipal Affairs and staff from my Office for helping to develop

and deliver this first-of-a-kind program in Canada. This program will establish a benchmark for professional development within the FOIP community.

I am also particularly proud that our Office assisted in “seeding” the original FOIP conference and the Annotated FOIP Manual. We’re not married to the idea of starting something and then controlling it. Rather, we help start great ideas and take a proactive approach.

Future

An important aspect of my job is looking ahead and identifying emerging issues that will affect access to information and protection of privacy in Alberta. First, with the Alberta Records Management Regulation and FOIP coming together under the roof of Government Services, a challenge will be to emphasize quality of the records and accountability of the records being managed. Second, the federal *Personal Information Protection and Electronic Documents Act* (PIPEDA) must be reviewed by the Alberta legislature who must be vigilant and protect this area of provincial jurisdiction. Third, in the sphere of health information, custodians must be held responsible and accountable for use of Albertans’ personal health information released within and outside of the province. Custodians must ultimately be responsible for the release of the information. Fourth, future reviews of the FOIP Act should be pushed to five years. The current three-year review process does not allow the full impact of changes to be experienced before the next review process comes around. The same consideration should be given to future reviews of the *Health Information Act*. Fifth, I am concerned with electronic government and the potential use of Customer Relationship Management (CRM). CRM may work in the private sector where profit is the motive, but this overlay may not work on government where public trust is paramount to the profit incentive. Sixth, I am also concerned with the temptation by governments and businesses to mine electronic databases for the purposes of marketing. Mistakes, similar to the Human Resources Development Canada (HRDC) fiasco of last year, should not occur again. Finally, it seems to me that as a society, we are losing the concept of

basic common courtesy. We should be judged on how we treat one another. Courtesy and dignity is how I would like to see the issue of privacy addressed. What kind of society do we want to see in the future?

This year will mark a new phase for the Office of the Information and Privacy Commissioner. It is a good time for the new commissioner to come in and leave his or her footprints. The new commissioner should not be afraid to ruffle feathers during the daily course of the job. However, it is equally important to recognize positive initiatives that protect privacy and enhance access to information.

I would like to pay tribute to a number of individuals I have worked with and known during my tenure as Information and Privacy Commissioner:

John Reid, Bruce Phillips, John Grace, Ann Cavoukian, Barry Tuckett, David Flaherty, David Loukidelis, Hank Moorlag and Darce Fardy. I would also like to say thank you to the people associated with commissioner and ombudsman’s offices across the country, and staff at the federal Information and Privacy Commissioner’s offices.

A special thank you goes to Paul Langevin, former chair of the Legislative Officers Committee, Murray Smith and Peter Kruselnicki who helped to get FOIP and the Office launched successfully within Alberta, Tom Thackeray, and support from both sides of the House, particularly Premier Ralph Klein and Gary Dickson. I would also like to add a special thank you to Assistant Commissioner Frank Work, for his years of service, valuable counsel, advice and support.

To Karen South, senior administrator for the Office of the Ethics Commissioner, whose capacity for hard work has allowed me to carry through with my joint responsibilities until this September, I say thanks.

I still plan to be involved in politics in Alberta, particularly in my role as Ethics Commissioner. And as a citizen, my commitment to access, transparency and privacy issues will continue to grow as I watch from another vantagepoint.

Introduction

Background

The Alberta *Freedom of Information and Protection of Privacy Act* (the Act) received Royal Assent on June 1, 1994, although most of the Act did not come into force until October 1, 1995. Robert C. Clark was appointed as the province's first Information and Privacy Commissioner on June 1, 1995. Mr. Clark was re-appointed to this position on June 2, 1997, for a five-year term.

The Director and General Counsel for the Office of the Information and Privacy Commissioner (IPC) was hired on June 15, 1995, and IPC was staffed by September 1995. The decision was made early on to employ only a core group of resourceful and skilled people to respond to both policy initiatives and individual requests and complaints. Where specialized expertise was needed, it would be acquired by contract.

IPC presently shares office space and some staff functions with the Office of the Ethics Commissioner. This has resulted in cost savings to both offices. However, it is emphasized that IPC and Ethics functions are otherwise kept strictly separate, and confidentiality in Ethics matters is strictly and completely preserved.

In 2000, with the final phasing in of local public bodies under the Act (i.e., post-secondary institutions and municipalities), IPC hired another Portfolio Officer. With the implementation of the *Health Information Act*, the IPC hired two Health Portfolio Officers, a Compliance Officer and a Health Intake Officer. The staffing strategy of IPC has been to hire individuals with adaptable skills and extensive experience in areas that are particularly relevant to access and privacy issues. In so doing, the organization has created a broad base of knowledge, which can be drawn upon in order to enforce the Act and assist Albertans with any concerns they have in this area.

Mandate

Under the Act, the Commissioner is responsible for performing a broad range of functions. Section 51 is not exhaustive, but sets out a number of these responsibilities:

- conduct investigations to ensure compliance with a provision of the Act or compliance with rules relating to the destruction of records set out in:
 - (a) any other enactment of Alberta, or
 - (b) a by-law or other legal instrument by which a local public body acts,
- make an order requiring that a duty imposed by the Act be performed, whether or not a review is requested,
- inform the public about the Act,
- receive comments from the public concerning the administration of the Act,
- comment on the implications for freedom of information and protection of personal privacy resulting from proposed legislative schemes or programs of public bodies,
- comment on the implications for protection of personal privacy resulting from using or disclosing personal information for record linkage,
- authorize the collection of personal information from sources, other than from the individual about whom the information relates,
- bring to the attention of the head of a public body any failure to meet the prescribed standards for fulfilling the duty to assist applicants, and
- give advice and recommendations of general application to the head of a public body on matters respecting the rights or obligations of a head under the Act.

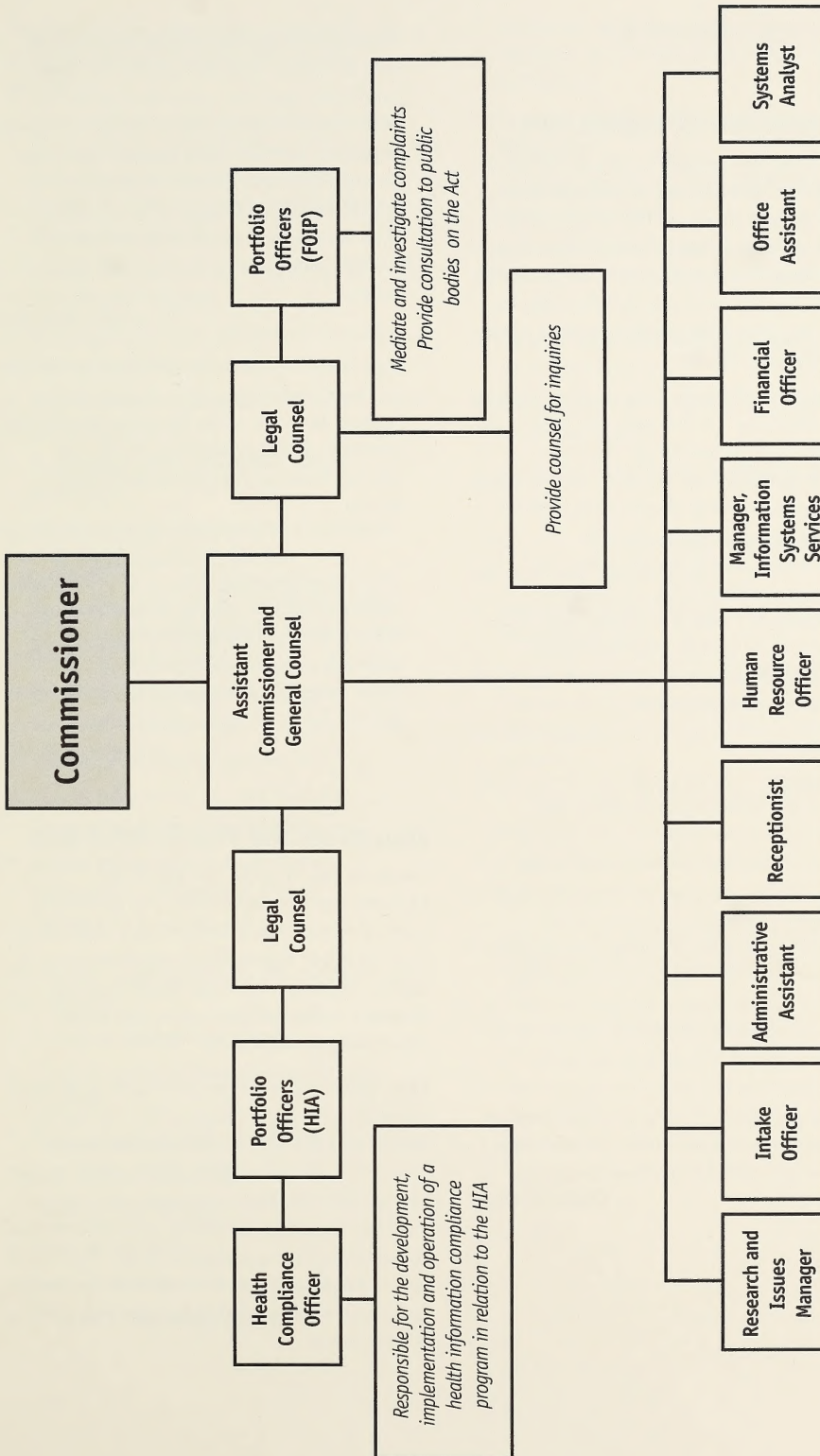
IPC Timeline

The objectives of the office for 2000 were to:

- prepare for the implementation of the *Health Information Act* by hiring two Health Portfolio Officers, a Compliance Officer and an Intake Officer.
- use Privacy Impact Assessments (PIAs) to monitor and comment on the increasing number of information-related schemes and initiatives by public bodies and government, particularly health-related initiatives.
- speak to Albertans about privacy issues and their implications for the individual by increasing the number of school presentations throughout the province.
- provide effective and timely reviews of the decisions of public bodies respecting access requests and privacy complaints. This was a priority since all public bodies are now covered under the Act.
- continue to keep abreast of advances in information technology and comment on privacy implications associated with these initiatives.
- oversee an expanded role in informing and educating the public on their access and privacy rights.

The objectives of the office for 2001 are to:

- continue to work with public bodies to incorporate FOIP into their daily business routine;
- work with custodians to ensure they are compliant with the *Health Information Act*;
- work with the six designated research ethics review boards in the province to inform and educate them on their obligations and responsibilities under the *Health Information Act*;
- continue to comment on and monitor the use of surveillance technology by public bodies and encourage Privacy Impact Assessment before implementation;
- increase awareness of the Office of the Information and Privacy Commissioner and promote Albertans' knowledge of their access to information and privacy rights;



Accomplishments

Interpretation of Legislation

Under the Act, the Commissioner is an Officer of the Legislative Assembly and independent from government. As such, one of the Commissioner's key responsibilities is to provide for independent reviews of decisions made by public bodies and the resolution of complaints under the Act. The following are some of the significant orders issued that help interpret the Act.

- In September 2000, the Commissioner issued a review involving the University of Calgary. The Commissioner supported the University's decision to shield from disclosure records sealed by agreement between the University and an outgoing senior administrator. The Commissioner found that the provisions respecting confidential labour relations information of a third party could apply in a situation where an individual had had to represent himself in dealings with his employer over matters of employment.
— Order 2000-003

- The reactions to an Order on the University of Alberta were indicative of its widespread impact. This Order dealt with the question of whether a student could have access to the letters-of-reference composed about her by her professors. The Order, in support of the student's access rights, is having sweeping effects on university and college policies regarding access to reference letters provided for entry to academic programs. The Commissioner found that the reference information was clearly personal information about the student and that the provisions allowing qualified shielding of employment reference information do not apply to references for academic programs.
— Order 2000-029

- The Order concerned an access request to the City of Calgary from the Calgary Real Estate Board. The Applicant asked the City for the names and mailing addresses of property owners in the City in a CD ROM format. This Order was significant because the Commissioner upheld the City of Calgary's decision to not disclose the names and mailing addresses of property owners to the Calgary Real Estate Board.
— Order 2000-024

- This Order assisted in determining what records are considered memos and correspondence between Members of the Executive Council and Members of the Legislative Assembly and whether these records were excluded from the Act.
— Order 2000-013

- This Order dealt with access to records held by Children's Services relating to the applicant's stay at a facility connected with the provincial child welfare system during the 1950s. The Order assisted in determining whether disclosed information could harm a third party.
— Order 2000-006

Education and Public Relations

Under Section 51 of the Act, one of the Commissioner's responsibilities is to inform the public about the Act, as well as receive comments from the public concerning the administration of the Act. This is an important function to help Albertans understand their access and privacy rights under the legislation.

Many organizations or groups are looking for basic explanations and descriptions of the Act and the function of the Office of the Information and Privacy Commissioner (IPC). Other times, groups have specific questions or concerns with regard to the effect the Act has, or will have, on information management relative to specific sectors. The IPC is open to helping Albertans interpret the Act and to understand issues surrounding access to or privacy of information.

The following are some of the educational initiatives undertaken by the IPC over the past year:

- OIPC counsel taught an introductory course unit on information access and protection of privacy issues in the political science department of the University of Alberta (in Political Science 390)
- Privacy Awareness Seminars conducted at high schools across Alberta
- Presentation to Grant MacEwan Community College journalism class.
- Presentation to Lethbridge Community College journalism class.
- Presentation to Maskwachees College, Hobbema
- Workshop with Administrative Professional Officers, University of Alberta
- Addressed the Forum for Young Albertans
- Participated in the Legislative Assembly Page Development Program
- Attended the 4th Annual Seminar for Parliamentary Secretaries
- University of Alberta, Law Forum
- Health Information Act and Research Symposium, University of Calgary
- Health Information Act and Research Symposium, University of Alberta
- “FOIP 5” Art and Essay Contest

Some of the organizations the IPC addressed over the past year:

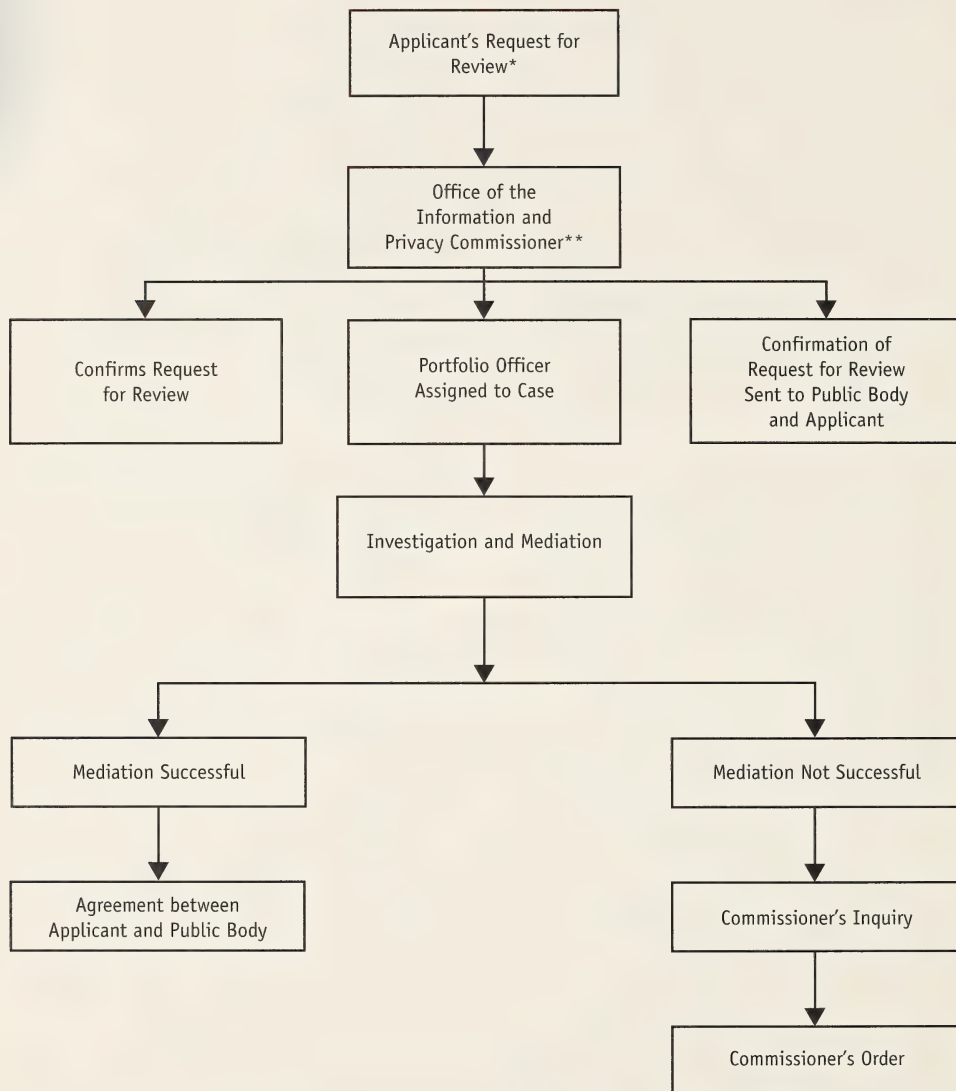
- Canadian Bankers’ Association
- Council on Government Ethics and Laws (COGEL)
- Livingston Range School Division, Claresholm
- Fort McLeod Rotary Club
- Town of Fort McLeod
- Town of Nanton
- Smoky Lake Town Council
- Canadian Club of Edmonton

- Association of Professional Engineers, Geologists and Geophysicists of Alberta (APEGGA)
- Canadian Association of Gift Planners (Edmonton)
- Canadian Association of Career Educators and Employers (Calgary)
- Labour Relations & Human Resource Committee of the Edmonton Chamber of Commerce
- Canadian Bar Association Committee on intellectual property
- Provincial Safety Committee of the Alberta Motor Association
- Canadian Public Works Association, Alberta Chapter

Some of the conferences and conventions the IPC addressed over the past year:

- Inaugural, Global Privacy Summit in Washington, D.C.
- Participated in the Alberta FOIP 2000 Conference, Edmonton. Speakers included the Commissioner, Portfolio Officers and Office Counsel
- Confidentiality of Medical Records in Alberta seminar
- Smart 2000 Conference, Calgary
- International Data Protection Conference, Italy
- Opening Doors: New Challenges and Opportunities in the Electronic Age, Victoria, B.C.
- E-health and Telehealth Conference, Edmonton

Office of the Information and Privacy Commissioner



* Applicant: a person who makes a request for information held by a public body or a person who is affected by a public body's release of that information.

** The Commissioner is not involved with the Request for Review until the Inquiry stage.

Fiscal Year 2000 – 2001

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Table 1: Cases Opened: 5-Year Comparison

(Cases Opened by Case Type)

October 1, 1995 to March 31, 2001

	Relevant Section of the Act	1996 – 97	1997 – 98	1998 – 99	1999 – 00	2000 – 01
Type of Case						
Request for Review						
Request for Review ^a	Section 62	106	75	96	160	137
Request to Excuse Fees	Section 87(4)	7	3	4	10	10
Complaint	Section 51(2)	42	31	41	51	69
Privacy Impact Assessment (PIA)						
	Section 36	—	—	4	14	28
Request for Advice and Direction/Request for Information (RFI)						
	Section 52	14	19	8	15	10
Request to Extend Time	Section 13	7	9	3	9	7
Investigation Generated by the Commissioner						
	Section 51(1)(a)	3	3	3	—	3
Other ^b		2	1	11	10	1
Total		181	141	170	269	265

Illustrates the number of cases (listed by case type) opened with the Office of the Information and Privacy Commissioner from October 1, 1995 to March 31, 2001. The Office of the Information and Privacy Commissioner opened 265 cases between the period April 1, 2000 to March 31, 2001.

^a"Request for Review," for the purposes of statistical reporting, includes only the following case types: Request for Review and Request for Review by Third Party. The figures for "Request to Excuse Fees" are listed separately for the purposes of the report, although they are a type of Request for Review.

^b"Other" includes the following case types: Comment on Programs and Schemes and Research Purpose Approvals

Table 2: Cases Opened: 2000 – 2001 Fiscal Year*(Case Counts by Public Body and Case Type)**Started between April 1, 2000 to March 31, 2001*

Public Body	Request for Review		Complaints	Privacy Impact Assessments (PIA)	Advice and Recommendations and Request for Information (RFI)		Other ^b	Total
	Request for Review ^a	Request Excuse Fees						
Agriculture Financial Services Corporation	2	—	1	—	—	—	—	3
Agriculture, Food and Rural Development	1	—	—	—	—	—	—	1
Alberta Alcohol and Drug Abuse Commission	—	—	—	1	—	—	—	1
Alberta Association of Registered Nurses	—	—	—	—	1	—	—	1
Alberta Children's Services	3	—	—	—	1	—	—	4
Alberta Energy	2	—	—	—	—	—	—	2
Alberta Energy and Utilities Board	1	—	—	—	—	—	—	1
Alberta Environment	4	2	—	—	—	—	1	7
Alberta Gaming	—	—	1	—	—	—	—	1
Alberta Government Services	4	1	3	—	—	—	1	9
Alberta Health and Wellness	3	—	—	6	—	—	—	9
Alberta Infrastructure	1	—	1	—	—	—	—	2
Alberta Learning	4	—	5	1	—	—	—	10
Alberta Mental Health Board	3	—	4	1	1	—	—	9
Alberta Pensions Administration	—	—	2	—	—	—	—	2
Alberta Securities Commission	—	—	1	—	—	—	—	1
Alberta Wellnet	—	—	—	7	—	—	—	7
Aspen Regional Health Authority	—	—	—	1	—	—	—	1
Banff Centre for Continuing Education	1	—	—	—	—	—	—	1
Bonnyville Health Centre	1	—	—	—	—	—	—	1
Calgary Board of Education/ Calgary School District	6	—	3	—	—	—	—	9
Calgary Police Service	5	1	4	—	—	—	—	10
Calgary Regional Health Authority	5	2	1	5	—	—	2	15
Calgary Rockyview CFSRA	1	—	—	—	—	—	—	1
Calgary Roman Catholic Separate School District	3	—	—	—	—	—	—	3
Capital Health Authority	—	—	3	1	1	—	—	5

Public Body	Request for Review		Complaints	Privacy Impact Assessments (PIA)	Advice and Recommendations and Request for Information (RFI)		Other ^b	Total
	Request for Review ^a	Request Excuse Fees						
Caritas Health Group	—	—	1	—	—	—	—	1
City of Calgary	8	—	3	—	—	—	1	12
City of Edmonton	2	—	—	—	—	—	—	2
City of Leduc	2	—	—	—	—	—	—	2
City of Lethbridge	5	—	—	—	—	—	—	5
City of St. Albert	1	—	—	—	—	—	—	1
Community Development	2	—	—	—	—	—	—	2
County of Lethbridge #26	—	—	—	—	—	1	—	1
County of Smoky Lake	1	—	—	—	—	—	—	1
David Thompson Regional Health Authority	—	—	1	—	—	—	—	1
Diamond Willow Child and Family Services Authority	—	—	1	—	—	—	—	1
Economic Development	—	—	—	1	—	—	—	1
Edmonton Catholic Regional Division	2	—	—	—	—	—	—	2
Edmonton Police Commission	1	—	—	—	—	—	—	1
Edmonton Police Service	4	—	3	—	—	—	—	7
Edmonton School District	—	—	2	—	—	—	1	3
Executive Council	—	1	—	—	—	—	—	1
Foothills School Division #38	—	—	1	—	—	—	—	1
Fort McMurray Catholic School Board	—	—	1	—	—	—	—	1
Grande Yellowhead Regional Division	—	—	2	—	—	—	—	2
Human Resources and Employment	11	2	3	—	—	1	—	17
IMAGIS	—	—	—	1	—	—	—	1
Justice	14	—	4	1	—	—	1	20
Labour Relations Board	1	—	—	—	—	—	—	1
Lethbridge Housing Authority	—	—	1	—	—	—	—	1
Lethbridge Police Commission	1	—	—	—	—	—	—	1
Lethbridge Police Service	2	—	—	—	—	—	—	2
Living Waters Catholic Regional Division	1	—	—	—	—	—	—	1
Municipal Affairs	3	—	—	—	—	—	—	3
Office of the Information and Privacy Commissioner	—	—	—	—	—	4	2	6

Public Body	Request for Review		Complaints	Privacy Impact Assessments and Request for Information		Other ^b	Total
	Request for Review ^a	Request Excuse Fees		(PIA)	(RFI)		
Palliser Health Authority	—	—	2	—	—	—	2
Parkland County	1	—	—	—	—	—	1
Personnel Administration Office	2	—	—	—	—	—	2
Public Affairs Bureau	1	—	—	—	—	—	1
Sakaw-Askiy child and Family Services Authority	—	—	1	—	—	—	1
Southeast Alberta Child and Family Services	—	—	—	1	—	—	1
Southern Alberta Institute of Technology	—	—	1	—	—	—	1
Spirit River Municipal Library	1	—	—	—	—	—	1
St. Michael's Extended Care	—	—	1	—	—	—	1
Strathcona County	—	1	—	—	—	—	1
Sturgeon School Division No. 24	1	—	—	—	—	—	1
Town of Canmore	1	—	—	—	—	—	1
Town of Okotoks	1	—	—	—	—	—	1
Town of Peace River	1	—	—	—	—	—	1
Town of Ponoka	—	—	1	—	—	—	1
Treasury	4	—	1	—	—	—	5
University of Alberta	5	—	3	—	—	—	8
University of Calgary	2	—	1	—	—	—	3
Village of Empress	1	—	—	—	—	—	1
Workers' Compensation Board	5	—	6	1	—	2	14
Total	137	10	69	28	10	11	265

Illustrates the number of cases opened with the Office of the Information and Privacy Commissioner, listed by public body and case type during the period April 1, 2000 to March 31, 2001.

^a"Request for Review," for the purposes of statistical reporting, includes only the following case types: Request for Review and Request for Review by Third Party. The figures for "Request to Excuse Fees" are listed separately for the purposes of the repo

^b"Other" includes the following case types: Request to Extend Time, Investigations Generated by the Commissioner and Research Purpose Approval.

Table 3: Cases Closed: 5-Year Comparison

(Cases Closed by Case Type)

April 1, 1996 to March 31, 2001

Fiscal Year	1996 – 97	1997 – 98	1998 – 99	1999 – 00	2000 – 01
Request for Review					
Request for Review ^a	93	83	80	130	175
Request to Excuse Fees	6	5	1	6	7
Complaint	35	31	27	43	57
Privacy Impact Assessment (PIA)					
Privacy Impact Assessment (PIA)	—	—	—	12	22
Request for Advice and Direction/Request for Information (RFI)					
Request for Advice and Direction/Request for Information (RFI)	15	19	8	18	13
Request to Extend Time	8	8	3	9	7
Investigation Generated by the Commissioner					
Investigation Generated by the Commissioner	4	—	1	3	3
Other ^b	1	1	5	4	2
Total	162	147	125	225	286

The table provides a comparison between the number of cases closed during the 2000 – 2001 fiscal year and previous fiscal years.

^a“Request for Review,” for the purposes of statistical reporting, includes only the following case types: Request for Review and Request for Review by Third Party. The figures for “Request to Excuse Fees” are listed separately for the purposes of the repo

^b“Other” includes the following case types: Comment on Schemes and Programs and Research Purpose Approvals.

Table 4: Cases Closed: 2000 – 2001 Fiscal Year

(Case Type by Closing Method)

Cases closed between April 1, 2000 to March 31, 2001

Type of Case	Case Closed by:					Total
	Order ^d	Investigation Report	Negotiated through Mediation ^c	Answered Questions/ Request Accepted	Request Withdrawn/ Request Not Accepted	
Requests for Review						
Requests for Review ^a	40	—	125	—	10	175
Request to Excuse Fees	3	—	4	—	—	7
Complaint	1	10	44	—	2	57
Privacy Impact Assessment (PIA)	—	—	—	21	1	22
Request for Advice and Direction/Request for Information (RFI)	—	—	—	13	—	13
Request to Extend Time	—	—	—	5	2	7
Investigation Generated by the Commissioner	—	1	2	—	—	3
Other ^b	—	—	—	2	—	2
Total Cases Closed	44	11	175	41	15	286

Illustrates the method of closure for each closed case file with the Office of the Information and Privacy Commissioner from April 1, 2000 to March 31, 2001.

^a"Request for Review," for the purposes of statistical reporting, includes only the following case types: Request for Review and Request for Review by Third Party. The figures for "Request to Excuse Fees" are listed separately for the purposes of the repo

^b"Other" includes the following case types: Comment on Programs and Schemes and Research Purpose Approvals

^cMediation includes the following closing types: Investigation Complete, Information Released and Negotiated.

^dsee "Note" for Corresponding Fiscal Year on Appendix A

Table 5: Orders Issued: 5-Year Comparison*(Closed Counts for All Case Types by Public Body and Fiscal Year)*

Public Body	1996 – 97	1997 – 98	1998 – 99	1999 – 00	2000 – 01
Alberta Agriculture, Food and Rural Development	—	—	—	1	—
Alberta Children's Services	—	—	—	—	1
Alberta Energy and Utilities Board	—	—	—	1	1
Alberta Gaming and Liquor Commission	—	—	—	1	—
Alberta Government Services	—	—	—	—	3
Alberta Health and Wellness	—	—	—	—	2
Alberta Health Facilities Review Commission	—	1	—	—	—
Alberta Human Rights and Citizenship	—	—	1	—	—
Alberta Mental Health Board	—	—	—	—	2
Alberta Securities Commission	—	—	—	1	—
Alberta Treasury Branches ^d	2	—	1	2	—
Calgary Board of Education	—	—	—	1	—
Calgary Police Service	—	—	—	—	1
Calgary Regional Health Authority	—	—	—	1	3
Chief Electoral Officer	—	—	—	1	—
City of Calgary	—	—	—	—	6
Community Development/Treasury ^d	—	1	—	—	—
Credit Union Deposit Guarantee Corporation ^d	—	2	—	—	—
Economic Development	—	—	—	1	—
Edmonton Police Service ^d	—	—	—	—	1
Education	—	—	—	1	—
Energy	—	—	1	—	—
Environment	—	—	—	—	—
Environmental Protection ^d	3	4	5	5	—
Executive Council ^d	—	—	—	1	1
Family and Social Services	—	2	5	1	2
Intergovernmental and Aboriginal Affairs	1	—	—	—	—
Foothills School Division #38	—	—	—	—	1
Health	1	1	—	1	—
Human Resources and Employment	—	—	—	2	1

Justice	5	4	2	2	5
Justice/Transportation and Utilities ^d	—	—	—	—	1
Labour	—	1	—	1	—
Labour Relations Board	—	—	—	1	—
Legislative Assembly Office	—	1	—	—	—
Municipal Affairs	2	1	1	—	—
Office of the Chief Medical Examiner	—	—	—	—	1
Office of the Premier/ General Administration	—	—	1	—	—
Public Works, Supply and Services	—	1	—	—	—
Tire Recycling Management Board	2	—	—	—	—
Transportation and Utilities	—	1	1	—	^d
Treasury ^d	1	^d	3	6	3
University of Alberta	—	—	—	—	1
University of Calgary	—	—	—	—	2
Workers' Compensation Board	—	1	2	2	3
Total	17	21	23	33	41

The above table illustrates a comparison between the number of Orders Issued by the Commissioner in previous fiscal years and those issued by the Commissioner in the April 1, 2000 to March 31, 2001 fiscal year by public body (Includes *All* case types).

^dsee "Note" for Corresponding Fiscal Year on Appendix A

**Table 6: Orders and Investigation Report Issued:
2000 – 2001 Fiscal Year**

Counts for All Case Types by Public Body

Issued between April 1, 2000 to March 31, 2001

Public Body	Orders ^d	Investigation Reports	Total
Alberta Children's Services	1	—	1
Alberta Energy and Utilities Board	1	—	1
Alberta Government Services	3	—	3
Alberta Health and Wellness	2	—	2
Alberta Learning	—	1	1
Alberta Mental Health Board	2	—	2
Calgary Police Commission	—	1	1
Calgary Police Service	1	—	1
Calgary Regional Health Authority	3	—	3
City of Calgary	6	1	7
City of Edmonton	—	1	1
Edmonton Police Service ^d	1	—	1
Energy	—	1	1
Executive Council	1	—	1
Family and Social Services	2	—	2
Foothills School Division #38	1	—	1
Human Resources and Employment	1	1	2
Justice	5	—	5
Lethbridge Housing Authority	—	1	1
Office of the Auditor General	—	1	1
Office of the Chief Medical Examiner	1	—	1
Justice/Transportation and Utilities ^d	1	—	1
Treasury	3	1	4
University of Alberta	1	—	1
University of Calgary	2	—	2
Workers' Compensation Board	3	2	5
Total	41	11	52

The table above illustrates the total number of Commissioner's Orders and Investigation Reports, listed by public body, issued during the period April 1, 2000 to March 31, 2001 (includes *All* case types).

^dsee "Note" for Corresponding Fiscal Year on Appendix A

Table 7: Orders Issued: 2000 – 2001 Fiscal Year

(Order Count for All Case Types by Public Body and Decision Type)

Issued between April 1, 2000 to March 31, 2001

Public Body	Decisions Upheld	Decisions Partially Upheld	Decisions Overturned	Total
Alberta Children's Services	1	—	—	1
Alberta Energy and Utilities Board	—	—	1	1
Alberta Government Services	3	—	—	3
Alberta Health and Wellness	1	1	—	2
Alberta Mental Health Board	2	—	—	2
Calgary Police Service	1	—	—	1
Calgary Regional Health Authority	—	1	2	3
City of Calgary	5	1	—	6
Edmonton Police Service ^d	1	—	—	1
Executive Council	—	1	—	1
Family and Social Services	—	1	1	2
Foothills School Division #38	1	—	—	1
Human Resources and Employment	—	—	1	1
Justice	4	1	—	5
Justice/Transportation and Utilities ^d	—	1	—	1
Office of the Chief Medical Examiner	1	—	—	1
Treasury	—	2	1	3
University of Alberta	—	—	1	1
University of Calgary	1	—	1	2
Workers' Compensation Board	1	2	—	3
Total	22	11	8	41

The table provides the total number of Commissioner's Orders issued during the period April 1, 2000 to March 31, 2001, listed by public body and decision type (Includes All Case Types). The Table illustrates that in the majority of cases, the Commissioner

^dsee "Note" for Corresponding Fiscal Year on Appendix A

Table 8: Investigation Reports Issued: 5-Year Comparison*(Closed Counts for All Case Types by Public Body and Fiscal Year)*

Public Body	1996 – 97	1997 – 98	1998 – 99	1999 – 00	2000 – 01
Alberta Learning	—	—	—	—	1
Calgary Police Commission	—	—	—	—	1
City of Calgary	—	—	—	—	1
City of Edmonton	—	—	—	—	1
Community Development	—	—	—	1	—
County of Smoky Lake	—	—	—	1	—
Edmonton School District	—	—	—	1	—
Energy	—	—	—	—	1
Executive Council	—	—	1	—	—
Family and Social Services	—	—	—	1	—
Health	—	—	2	—	—
Human Resources and Employment	—	—	—	—	1
Justice	—	—	1	—	—
Lethbridge Housing Authority	—	—	—	—	1
Municipal Affairs	—	—	—	1	—
Office of the Auditor General	—	—	—	—	1
Public Works, Supply and Services	—	—	—	1	—
St. Thomas Aquinas Catholic Schools	—	—	—	1	—
Treasury	—	—	—	—	1
Workers' Compensation Board	—	—	8	—	2
Total	—	—	12	7	11

Illustrates a comparison between the number of Investigation Reports issued by the Commissioner in previous fiscal years and those issued by the Commissioner in the April 1, 2000 to March 31, 2001 fiscal year.

Table 9: Investigation Reports Issued: 2000 – 2001 Fiscal Year

(Investigation Report Count by Public Body and Decision Type)

Issued between April 1, 2000 to March 31, 2001

Public Body	Decisions Upheld	Decisions Partially Upheld	Decisions Overturned	Total
Alberta Learning	1	—	—	1
Calgary Police Commission	—	—	1	1
City of Calgary	1	—	—	1
City of Edmonton	—	—	1	1
Energy	1	—	—	1
Human Resources and Employment	—	—	1	1
Lethbridge Housing Authority	—	—	1	1
Office of the Auditor General	1	—	—	1
Treasury	—	1	—	1
Workers' Compensation Board	1	—	1	2
Total	5	1	5	11

Illustrates the total number of Investigation Reports issued during the period April 1, 2000 to March 31, 2001, listed by public body and decision type (Includes All Case Types).

Table 10: Results of Investigations/Investigation Reports by Portfolio Officers: 2000 – 2001 Fiscal Year*(Percentage of Complaint files closed by Investigation Reports and Mediation by Portfolio Officer)**For Complaints Closed between April 1, 2000 to March 31, 2001*

Nature of Complaint	Number of Substantiated Complaints				Number of Unsubstantiated Complaints				Other ^a		Total	
	Resolved through Mediation	% of all Complaints	Investigation Report Issued	% of all Complaints	Resolved through Mediation	% of all Complaints	Investigation Report Issued	% of all Complaints	Non-Jurisdiction or Not pursued by complainant	% of all Complaints	Total	% of all Complaints
Disclosure	7	12.3%	5	8.8%	17	29.8%	2	3.5%	1	1.8%	32	56.1%
Use	3	5.3%	—	0.0%	4	7.0%	—	0.0%	2	3.5%	9	15.8%
Collection	1	1.8%	1	1.8%	3	5.3%	1	1.8%	2	3.5%	8	14.0%
Duty to Assist	—	0.0%	—	0.0%	4	7.0%	—	0.0%	2	3.5%	6	10.5%
Other ^b	—	0.0%	—	0.0%	1	1.8%	1	1.8%	—	0.0%	2	3.5%
Total	11	19.3%	6	10.6%	29	50.9%	4	7.1%	7	12.3%	57	100.0%

The table above illustrates the findings of Portfolio Officers' investigations of Complaint files by complaint issue.

^aOther^a includes the following case types: Request for Time Extension and Request for Correction

Table 11: Percentage of Cases Closed through Order issued by Commissioner and Mediation by Portfolio Officer: 5-Year Comparison

October 1, 1995 to March 31, 2001

Fiscal Year All Cases	1996 – 97 % of all cases closed	1997 – 98 % of all cases closed	1998 – 99 % of all cases closed	1999 – 00 % of all cases closed	2000 – 01 % of all cases closed
Orders Issued ^d	10.5%	17.0%	18.4%	16.9%	15.4%
Cases Mediated	89.5%	83.0%	81.6%	83.1%	84.6%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Fiscal Year	1996 – 97		1997 – 98		1998 – 99		1999 – 00		2000 – 01	
BY CASE TYPE	Number of Cases	% of all cases closed	Number of Cases	% of all cases closed	Number of Cases	% of all cases closed	Number of Cases	% of all cases closed	Number of Cases	% of all cases closed

**Request for Review
Request for Review^{a,d}**

Orders Issued	15	9.3%	23	15.6%	22	17.6%	34	15.1%	40	14.0%
Mediated	78	48.1%	60	40.8%	58	46.4%	96	42.7%	135	47.2%
Total	93	57.4%	83	56.4%	80	64.0%	130	57.8%	175	61.2%

Request to Excuse Fees

Orders Issued	1	0.6%	1	0.7%	—	0.0%	2	0.9%	3	1.0%
Mediated	5	3.1%	4	2.7%	1	0.8%	4	1.8%	4	1.4%
Total	6	3.7%	5	3.4%	1	0.8%	6	2.7%	7	2.0%

Complaint

Orders Issued	1	0.6%	1	0.7%	1	0.8%	2	0.9%	1	0.3%
Mediated	34	21.0%	30	20.4%	26	0.2%	41	18.2%	56	19.6%
Total	35	21.6%	31	21.1%	27	1.0%	43	19.1%	57	20.0%

All Other Case Types

Orders Issued	—	0.0%	—	0.0%	—	0.0%	—	0.0%	—	0.0%
Mediated	28	17.3%	28	19.1%	17	34.2%	46	20.4%	47	16.8%
Total	28	17.3%	28	19.1%	17	34.2%	46	20.4%	47	16.8%

Total Cases	162	100.0%	147	100.0%	125	100.0%	225	100.0%	286	100.0%
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The above tables illustrate a comparison between the number of Orders Issued by the Commissioner as a percentage of all cases closed in previous fiscal years and those issued by the Commissioner in the April 1, 2000 to March 31, 2001 fiscal year. The figure

^a“Request for Review,” for the purposes of statistical reporting, includes only the following case types: Request for Review and Request for Review by Third Party. The figures for “Request to Excuse Fees” are listed separately for the purposes of the repo

^dsee “Note” for Corresponding Fiscal Year on Appendix A

**Table 12: Percentage of Cases Closed through Order issued by Commissioner:
5-Year Comparison**

By Case Type

October 1, 1995 to March 31, 2001

Fiscal Year	1996 – 97		1997 – 98		1998 – 99		1999 – 00		2000 – 01	
	Number of Cases	% of Case Type	Number of Cases	% of Case Type	Number of Cases	% of Case Type	Number of Cases	% of Case Type	Number of Cases	% of Case Type
Request for Review										
Request for Review^a										
Orders Issued ^d	15	16.1%	23	27.7%	22	27.5%	34	26.2%	40	21.1%
Mediated	78	83.9%	60	72.3%	58	72.5%	96	73.8%	135	78.9%
Total	93	100.0%	83	100.0%	80	100.0%	130	100.0%	175	100.0%
Request to Excuse Fees										
Orders Issued	1	16.7%	1	20.0%	—	0.0%	2	33.3%	3	42.9%
Mediated	5	83.3%	4	80.0%	1	100.0%	4	66.7%	4	57.1%
Total	6	100.0%	5	100.0%	1	100.0%	6	100.0%	7	100.0%
Complaint										
Orders Issued	1	2.9%	1	3.2%	1	3.7%	2	4.7%	1	1.8%
Mediated	34	97.1%	30	96.8%	26	96.3%	41	95.3%	56	98.2%
Total	35	100.0%	31	100.0%	27	100.0%	43	100.0%	57	100.0%
Total Orders Issued by the Commissioner^d										
	17		21		23		33		41	

The table compares the distribution between the number of Orders Issued by the Commissioner (by case type) and those cases successfully mediated by Portfolio Officers in previous fiscal years and the April 1, 2000 to March 31, 2001 fiscal year (by case type)

^a“Request for Review,” for the purposes of statistical reporting, includes only the following case types: Request for Review and Request for Review by Third Party. The figures for “Request to Excuse Fees” are listed separately for the purposes of the repo

^dsee “Note” for Corresponding Fiscal Year on Appendix A

Table 13: Cases Closed by Processing Time: 5-Year Comparison

(Comparison of all Cases Closed by Processing Time)

April 1, 1996 to March 31, 2001

Fiscal Year	1996 – 97		1997 – 98		1998 – 99		1999 – 00		2000 – 01	
Processing Time	Number of Files Closed	% of all cases closed	Number of Files Closed	% of all cases closed	Number of Files Closed	% of all cases closed	Number of Files Closed	% of all cases closed	Number of Files Closed	% of all cases closed
30 Days or less	34	21.0%	28	19.0%	20	16.0%	40	17.8%	30	10.5%
31 to 90 Days	56	34.6%	36	24.5%	29	23.2%	69	30.7%	56	19.6%
3 to 6 months	45	27.8%	34	23.1%	32	25.6%	52	23.1%	89	31.1%
6 months+	27	16.7%	49	33.3%	44	35.2%	64	28.4%	111	38.8%
Total Files Closed during Fiscal Year	162	100.0%	147	100.0%	125	100.0%	225	100.0%	286	100.0%

This table illustrates the comparison between the average case closing time for the 2000 – 2001 fiscal year and previous fiscal years. This table reflects the fact that a large percentage of case files have been closed, and continue to be closed within 6 m

Table 14: Cases Closed: Processing Time for 2000 – 2001 Fiscal Year*Includes All Case Types closed between April 1, 2000 and March 31, 2001*

Type of Case	1 day	2 – 10 days	11 – 30 days	31 – 90 days	3 – 6 months	Over 6 months	Total
Request for Review							
Request for Review ^a	—	1	9	31	65	69	175
Request to Excuse Fees	—	—	2	—	—	5	7
Complaint	—	2	1	9	17	28	57
Privacy Impact Assessment (PIA)	—	1	2	11	4	4	22
Request for Advice and Direction/Request for Information (RFI)	2	—	2	4	2	3	13
Request to Extend Time	2	2	2	1	—	—	7
Investigation Generated by the Commissioner	—	1	—	—	1	1	3
Other ^b	—	1	—	—	—	1	2
Total	4	8	18	56	89	111	286

Illustrates the amount of time required to process information and privacy related reviews/investigations by case type.

^a“Request for Review,” for the purposes of statistical reporting, includes only the following case types: Request for Review and Request for Review by Third Party. The figures for “Request to Excuse Fees” are listed separately for the purposes of the repo

^b “Other” includes the following case types: Comment on Schemes and Programs and Research Purpose Approvals.

Table 15: Cases Closed: 2000 – 2001 Fiscal Year By Applicant Type

Cases closed between April 1, 2000 to March 31, 2001

Applicant Type	Cases	Percentage
Individual	182	63.6%
Public Body	27	9.4%
Company	20	7.0%
Agent	20	7.0%
Ministry	14	4.9%
Organization	9	3.1%
Media	5	1.7%
MLA	4	1.4%
Hospital	1	0.3%
Other	4	1.4%
Total	286	100.0%

The above table provides a general overview of the applicants who initiated a case with the Office of the Information and Privacy Commissioner during the 2000 – 2001 fiscal year. The table illustrates the majority of applicants are from the general public

Table 16: Duty to Warn and Public Interest Override (Section 31 Disclosure): 2000 – 2001 Fiscal Year

Notice issued between April 1, 2000 to March 31, 2001

	Disclosure to Victims and Relatives	Full Public Disclosure	Limited Disclosure	Total
Calgary Police Service	0	0	0	0
Edmonton Police Service	0	6	1	7
RCMP	0	2	0	2
Other	0	0	0	0
Total	0	8	1	9

The Head of the Public Body provides notification to the Commissioner about every instance where personal information about a third party has been disclosed under Section 31 of the Freedom of Information and Protection of Privacy Act. The Minister of Justice has delegated the responsibility of issuing public warnings according to the established protocol to the Chiefs of Police in the Province of Alberta.

Section 31 places a duty on Public Bodies to warn the public of the risk of certain harms or where disclosure is clearly in the public interest. Under these circumstances, the Head of a Public Body has the authority to disclose personal information about a third party whether or not a request for access exists. In other cases, the personal information of an individual is purposely compiled for disclosure because the presence of that individual in the community is held to be a risk of harm to public safety. Where possible, the Head will provide notice to the third party that the disclosure was made.

Public Warnings Issued: 5-Year Comparison

	1996 – 97	1997 – 98	1998 – 99	1999 – 00	2000 – 01
Public Warnings Issued by the Police	6	16	17	17	9

^dAppendix A: Note to Tables 4, 5, 6, 7, 11 and 12

Fiscal Year 1997 – 1998:

The closure of 25 case files resulted in 21 Orders issued by the Commissioner. This occurred when a single order was issued for more than one case file as follows:

Order 97-010 issued for Review 1234 (Treasury) and 1235 (Community Development)

Order 97-003 issued for Review 1128 and 1165 (Credit Union Deposit Guarantee Corporation)

Order 97-009 issued for Review 1177, 1178 and 1179 (Environmental Protection)

Fiscal Year 1999 – 2000:

The closure of 38 case files resulted in 33 Orders issued by the Commissioner. This occurred when a single order was issued for more than one case file as follows:

Order 99-017 issued for Review 1487 and 1518 (Executive Council)

Order 99-020 issued for Review 1517, 1521 and 1520 (Treasury)

Order 99-033 issued for Review 1485, 1486 and 1497 (Alberta Treasury Branches)

Fiscal Year 2000 – 2001:

The closure of 44 case files resulted in 41 Orders issued by the Commissioner. This occurred when a single order was issued for more than one case file as follows:

Order 99-035 issued for Review 1612 (Justice) and 1624 (Transportation and Utilities)

Order 2000-016 issued for Review 1845, 1846 and 1870 (Edmonton Police Service)

Summaries: Selected Orders (Released Between April 1, 2000 and March 31, 2001)

Confidential Labour Relations Information

(Order 2000-003)

The Commissioner upheld the University of Calgary's decision to refuse to disclose a report of a person appointed to resolve a labour relation's dispute. The Order concerned the Applicant's request for access to information made to The University of Calgary (the "University") under the *Freedom of Information and Protection of Privacy Act* (the "FOIP Act").

The Applicant asked for access to a September 1997 report entitled "Report to The Faculty Association of the University of Calgary and The University of Calgary Concerning the Faculty of Social Work" (the "Report"). The University refused to disclose the Report, primarily on the ground that the Report would reveal confidential labour relations information of third parties, and disclosure would reveal the report of a mediator or other person appointed to resolve or inquire into a labour relations dispute (section 15(1) of the FOIP Act). The University also argued that the Report was not in its custody or under its control, and therefore was not subject to the FOIP Act.

The Commissioner held that the Report was in the custody of the University because it was in the University Archives. The Report was therefore subject to the Act.

The Commissioner also held that the Report contained labour relations information of a number of third parties, who had supplied that information in confidence to a person whom the University and the Faculty Association had appointed to resolve a labour relations dispute among the third parties. The Commissioner said that disclosure of the Report would reveal information supplied to, or the report of, the

person appointed to resolve the labour relation's dispute. Therefore, as section 15(1) of the FOIP Act applied to the entire Report and required that the University not disclose the Report, the Commissioner upheld the University's decision not to disclose the Report.

Access to Letters of Reference

(Order 2000-029)

The Order dealt with the Applicant's access request to The University of Alberta (the "U of A") under the *Freedom of Information and Protection of Privacy Act* (the "FOIP Act").

The Applicant asked the U of A to disclose the six letters of references submitted by professors for her application to a Ph.D. programme. The U of A refused to disclose on the grounds that it would be an unreasonable invasion of the professors' personal privacy under section 16(1) of the FOIP Act. The Commissioner found that the letters contained the Applicant's and the professors' personal information. The Commissioner determined that disclosure of the names, addresses, departments, and signatures of the professors and comments that would identify the professors would not be an unreasonable invasion of the professors' personal privacy. He stated that the U of A's policy not to disclose letters of reference for application to graduate studies was not in accordance with the FOIP Act. He found that the letters did not constitute privileged information. Furthermore, he determined that disclosure was desirable because it affects students career opportunities, students ask the professors to write the letters, professors can refuse students' requests, and the students' already know who the professors are because they asked them for the letters of reference in the first place.

Lastly, the Commissioner determined that the University could not apply section 18 (confidential evaluations) of the FOIP Act to withhold the letters because the University did not meet all the criteria of that section.

Real Estate Board Assessment Information

(Order 2000-024)

The Order concerned an access request to the City of Calgary from the Calgary Real Estate Board under the *Freedom of Information and Protection of Privacy Act* (the “Act”). The Applicant asked the City for the names and mailing addresses of property owners in the City in a CD ROM format. The City agreed to provide other data regarding assessment information but not the names and mailing addresses of owners.

The Commissioner found that he had jurisdiction to deal with this access request. He held that even though the names and mailing addresses of owners is available at the Land Titles Office, the information requested is not “made from information in a Land Titles Office.” Therefore it is not excluded from the Act’s application like regular Land Titles Office information.

The Commissioner also held that section 15(2) of the Act applied to the information requested because the names and mailing addresses of owners is information collected for the purposes of determining a tax liability or for collecting a tax. The Commissioner therefore upheld the City of Calgary’s decision to not disclose the names and mailing addresses of property owners to the Calgary Real Estate Board.

Executive Council Office

(Order 2000-013)

The Order concerned an Applicant’s request for information which was made to the Executive Council Office under the *Freedom of Information and Protection of Privacy Act* (the “Act”). The Applicant requested information regarding memos and correspondence regarding “pine shakes,” “untreated pine shakes” and the “Alberta Pine Shake Homeowners Association.” The Executive Council Office refused to disclose the information arguing that some of the records were not responsive to the access request or, in the alternative, were memos and correspondence between Members of the Executive Council and Members of the Legislative Assembly and therefore excluded from the Act under section 4(1)(l). In addition, the Executive Council Office argued that some of the records would reveal Cabinet confidences and therefore must be withheld under section 21.

The Commissioner upheld the Executive Council Office’s decision to withhold some of the records. The Commissioner held that some of these records were not responsive to the access request or were excluded from the application of the Act under section 4(1)(l). The Commissioner also agreed that certain records must not be disclosed, as they would reveal Cabinet confidences under section 21.

However, the Commissioner held that a few of the records must be disclosed as they were not excluded from the Act under section 4(1)(l), they did not fulfill the requirements for a mandatory exception, and the Executive Council Office did not claim any discretionary exceptions in regard to these records.

Child Welfare Records

(Order 2000-006)

The Order concerned a request for access to records held by Alberta Children's Services ("Children's Services") under the *Freedom of Information and Protection of Privacy Act* (the "Act"). The Applicant asked for records relating to the Applicant's stay at a facility (the "Home") connected with the provincial child welfare system during the 1950s. Children's Services found a one-line entry on a page in a Home ledger. That entry recorded the Applicant's personal information and some details about the Applicant's arrival and departure from the Home. Children's Services provided the Applicant with a copy of the entry, but severed some information from the entry under section 16 of the Act. Section 16 directs a public body to sever third party personal information from a record if disclosing that information would unreasonably violate third party privacy.

The Commissioner found that Children's Services had correctly applied the Act. The severed information was third party personal information. Given the shame and embarrassment historically attaching to involvement with the child welfare system, disclosure could unfairly harm the third party. The Applicant did not provide any reason that would justify this privacy invasion. The Commissioner sympathized with the Applicant, but upheld the action of Children's Services and ordered that the severed information not be disclosed.

Summaries: Selected Reviews, Complaints, Investigations, Audits

Investigation finds the use of a Complainant's information for an Employee's personal business is not for the purpose that the information was collected and that the Complainant's privacy was breached.

Report concluded an investigation into a privacy complaint filed under section 51(2)(e) of the FOIP Act.

The Complainant was an annual pass member at the Kinsmen Sports Centre, which is owned and operated by the City of Edmonton. In October 1999, the Complainant received a telephone call from an employee of the Kinsmen Sports Centre. During the telephone conversation, the Employee attempted to sell a product and made reference to the Complainant's medical history.

The Complainant expressed concern that the Employee used information obtained from work to promote a product that the Employee was selling as a private business venture. In addition, the Complainant wanted to ensure that the Kinsmen Sports Centre had appropriate safeguards and measures in place to protect personal information from unauthorized use and disclosure.

The investigation found that the use of the Complainant's information for the Employee's personal business is not for the purpose that the information was collected and is therefore, not in accordance with section 37(1)(a) of the Act. As the Complainant did not consent to this use, the Employee's use of the Complainant's personal information is not authorized under section 37(1)(b) of the Act.

The investigation concludes that the Complainant's privacy was breached. The City of Edmonton acknowledged the Employee's use of the Complainant's personal information is inappropriate. The City of Edmonton advised that this is an isolated case, and it is addressing the Employee's actions through the employee relation process.

The investigation also recommended that the City of Edmonton undertake initiatives to strengthen the protection of personal information, including:

- Restricting the collection of personal information to only that which is necessary;
- Notifying individuals the purpose of collecting the information, the legal authority for collection, and providing a contact person who can answer any questions regarding collection;
- Updating the City's Code of Ethics to reflect the responsibilities and requirements of the Act;
- Developing policies or procedures regarding confidentiality or restrictions on disclosure of information obtained by civic employees in the performance of their duties;
- Developing material to inform and educate civic employees of the requirements of the FOIP Act
- Incorporating privacy considerations in all future enhancements and modifications to the computerized database; and
- Establishing a retention schedule for the information in its computerized database.

The City of Edmonton accepted the recommendations of the investigation, and is proceeding with compliance. This was the first privacy complaint lodged against the City of Edmonton. This Office appreciated the cooperation of the City representatives and their approach in using this as an opportunity to review existing practices.

— Investigation Report
1999-IR-007 (publicly released July 14, 2000)

Report recommends the Workers' Compensation Board (WCB) review its current disclosure policy after breaching a Complainant's privacy.

The investigation found that WCB breached the Complainant's privacy when it disclosed information obtained from an informant to the Complainant's former employer.

The Informant had alleged that the Complainant was involved with various physical activities that were inconsistent with the disability benefits awarded to the Complainant by WCB. Although WCB had determined that the Informant's allegations were not relevant and did not impact on the benefits granted to the Complainant, a WCB investigator disclosed the Informant's allegations to the Complainant's former employer.

WCB stated the disclosure "does not appear to be a common occurrence" but claimed it is authorized to disclose this information under the *Workers' Compensation Act*.

The investigation found that the WCB Act grants WCB broad powers. However, WCB's jurisdiction and powers are confined to matters under the WCB Act and its regulations.

As WCB had already determined that the Informant's allegations had no impact on the benefits granted to the Complainant, the information was not relevant to the administration of the WCB Act or its regulations. Therefore, the matter is outside WCB's jurisdiction and the WCB investigator had no authority to proceed further on this matter.

The investigation acknowledges that there may be circumstances where WCB may disclose personal information to an employer. However, given the circumstances for this particular case, the investigation finds that the disclosure is not in accordance with the disclosure provisions set out under the FOIP Act.

The investigation recommends that WCB review its current disclosure policy to clarify this matter to its employees.

— Investigation Report

1999-IR-008 (publicly released August 10, 2000)

Investigation concludes disclosure by City of Calgary Lawyer was wrong but not a breach of the FOIP Act.

The Complainant had applied to the City of Calgary under the FOIP Act for access to information. Subsequently, a City of Calgary lawyer (the "Lawyer") wrote to an external legal firm about the Complainant's request for access to information. The legal firm had represented the Complainant previously on another matter. The Lawyer also sent a copy of the letter to the Taxi Commission.

The investigation found that the Lawyer was not authorized to respond to access requests on behalf of the City of Calgary, and that the Lawyer's actions had the potential of placing the City of Calgary in a position of breaching the FOIP Act. However, this matter was rectified by the actions of the City of Calgary's FOIP Coordinator who was authorized to respond to access requests.

The investigation also found that the Complainant was a corporation and not an individual. In previous orders, the Commissioner determined that only individuals could have personal information. Corporations and other entities that are not single human beings cannot have personal information. As a corporation cannot have personal information, there can be no breach of personal privacy. Therefore, no further action is warranted regarding the alleged disclosures by the City of Calgary and the Taxi Commission.

The investigation concluded that the disclosure by the Lawyer is wrong, but not a violation of the privacy provisions set out under Part 2 of the FOIP Act. If the circumstances had involved an individual, the investigation's conclusion on this matter may be different. The investigation recommends that the City of Calgary ensure its employees understand their respective roles and responsibilities under the FOIP Act.

— Investigation Report

1999-IR-009 (publicly released
November 16, 2000)

Investigation concludes Alberta Learning did not use personal information in violation of the Freedom of Information and Protection of Privacy Act.

The Complainant alleged that Alberta Learning had used a medical questionnaire in rendering its decision on the Complainant's 1999 appeal for additional funding. The Complainant stated the medical questionnaire had been provided to the Students Finance Board as part of the Complainant's application for loan forgiveness and that Alberta Learning had no right to obtain access to and use this information.

The investigation found no evidence that Alberta Learning used the medical questionnaire in its denial of the Complainant's appeal for additional funding. As there was no use of personal information, there can be no breach of the FOIP Act.

The investigation also made two recommendations:

- That the Students Finance Board ensure that the medical questionnaire contains a notification statement that complies with the requirements of the FOIP Act; and
- That Alberta Learning ensure the release of personal information to individuals is documented.

— Investigation Report
2000-IR-004 (publicly released
December 13, 2000)

Information and Privacy Commissioner releases report on e-mail error

The Information and Privacy Commissioner released an Investigation Report dealing with Alberta Children's Services (the Public Body). The report dealt with confidential information about children in-need sent to the wrong e-mail address.

The report said the *Freedom of Information and Protection of Privacy Act* places a duty on public bodies to ensure that personal information is secure and not improperly disclosed.

"The Public Body must be far more mindful of the implications on the use of this personal information," Commissioner Bob Clark said. "The Public Body should only be using the minimal amount of personal information required. In this case, far more information was e-mailed than was needed to do the job."

Clark pointed out the Public Body needs to assess the risks of errant e-mail. He noted the Public Body has taken steps to prevent this incident from happening again.

The Commissioner added that the recipient of the errant e-mail should have contacted the department immediately instead of turning the information over to the media. Clark was disappointed with the *Edmonton Sun* for printing as much personal information about the children as they did and called on the newspaper to destroy any information they may have on these children.

The Commissioner said that the software used by Internet Service Providers which automatically try to "guess" at an incorrect e-mail address and redirect it, is not a good feature. The Commissioner has spoken with the Chief Information Officer for the province and asked him to look into this matter.

— Investigation Report
2001-IR-001 (publicly released March 23, 2001)

Investigation concludes that use of personal information by a City of Calgary Alderman in addressing correspondence to members of the Calgary Police Association was not an unreasonable invasion of privacy

The report concludes a complaint from the Calgary Police Association that a City of Calgary Alderman breached Association board member's privacy by sending correspondence to their private residences. The Alderman is also a member of the Calgary Police Commission. She requested and was given a list of home addresses from the Police Commission so that individual Board member's opinions could be obtained regarding the issues of parallel investigations and active Police Association

support of political candidates. Correspondence was sent to the individuals' home addresses and contained their position and listed the Calgary Police Association as the organization they represented.

The investigation determined that a list containing the home addresses and phone numbers of members and administrative staff had been supplied to the Police Commission as a result of a request to the Association for information restricted to the names and positions of members holding office on the Board of the Association. The investigation concluded that the Police Commission was not authorized to collect the home addresses and other personal information contained in the list that was sent in error from the Police Association. It was recommended that the list be returned to the Police Association and that policy be implemented that would result in the return of personal information which has not been specifically requested.

The investigation concluded that it would be absurd to interpret the privacy provisions of the *Freedom of Information and Protection of Privacy Act* to prevent the use of personal information for the purpose of addressing correspondence. However, it was recommended that when addressing correspondence to personal residences, the positions and organization that the recipients represent should be omitted.

It was also recommended that the Calgary Police Association review their controls on the release of personal information that they are in possession of, even though the Police Association is not a public body as set out in the *Freedom of Information and Protection of Privacy Act*.

— Investigation Report
2000-IR-002 (publicly released July 7, 2000)

Summaries: Advice, Recommendations and Analysis of Issues

New Privacy Impact Assessment (PIA) Process

In January, 2001, after several months of consultation and development, the office introduced a new Privacy Impact Assessment (PIA) process. Some very significant improvements were made to the process:

- 1) Information is now required about organization-wide privacy practices. This will encourage the development of such practices in those organizations that do not yet have them.
- 2) Stage 1 of the new process is questionnaire driven. Stage 2 involves questions resulting from the initial review of the questionnaire. Even for complex projects accompanied by large appendices, the PIA review will be made easier and faster because the important questions will have been posed at the outset and PIAs will arrive in a consistent format. The OIPC has therefore committed to reviewing the completed questionnaire (Stage 1) within 30 working days. The review of responses to additional questions (Stage 2) is not subject to any predefined time limits.
- 3) Considerable effort has gone into designing a PIA process that is workable for large and small organizations, simple and complex projects, and projects undertaken under any legislation that applies in Alberta. This flexibility encourages organizations to prepare PIAs when appropriate, which has been demonstrated in recent months by greatly increased interest in the process. The addition of notes and attachments to the questionnaire is encouraged, making possible the submission of PIAs of varying complexity, depending on the nature of the project. The questionnaire should not be too overwhelming for small organizations, but it will accommodate even very complex projects.

- 4) The questionnaire is designed to be completed as an electronic form or as a paper questionnaire, at the choice of the submitter. Questionnaires and instructions are available for download from the OIPC web site, as well as the Alberta Government FOIP web site.
- 5) Instructions include general information on the PIA process, plus an annotated version of the questionnaire with comments and instructions for each question. Appended to the instructions are suggestions for security assessments, relevant excerpts from the FOIP Act and the HIA, and the OECD's Fair Information Principles.
- 6) Although details have not yet been finalized, the new process will result in most information in PIAs being publicly available from the OIPC or the proponent or both. (Certain sensitive information concerning, for example, security measures, may be withheld.) This will provide interested members of the public with information about the privacy assessments done for public sector projects involving personal information.

Health Information Act

Alberta's *Health Information Act* received Royal Assent on December 9, 1999 and was proclaimed in 2001. The *Health Information Act* (HIA) deals with personal health information and how it can be collected, used, and disclosed and under what conditions. Following proclamation of the Act, the Office of the Information and Privacy Commissioner (IPC) will provide a six-month transition period for custodians to become compliant with the Act. Advice, assistance and preparation for custodians through publications and site visits will be provided by the IPC.

One of the key recommendations from the IPC concerned allowing Albertans to have the option of "opting out" of any future accessible electronic network or electronic database that would contain any personal health information. The IPC successfully lobbied for clarification of HIA's regulations related to the definition of electronic means.

Personal Information Protection and Electronic Documents Act (PIPEDA)

The federal *Personal Information Protection and Electronic Documents Act* came into effect January 1, 2001. It gives certain rights with respect to the collection, use or disclosure of personal information by federally regulated organisations. These include airlines, banks, telephone companies, cable television and broadcasting companies, as well as all businesses in Nunavut, the Yukon and the Northwest Territories.

The *Act* applies to personal information collected, used or disclosed in the course of commercial activities. In 2002, the *Act* will be extended to protect health information. In 2004, in addition to covering *all* interprovincial or international disclosures of personal information in the course of a commercial activity, the *Act* will extend to *all* provincially regulated businesses not covered by a provincial law judged to be substantially similar to the *Act*.

The Lesson of the Long Files: Vigilance for Individual Freedom

As umpires in the information age, we have seen the dynamics of information management change ever since the inception of this Office in 1995. Our early focus was on the examination of purposeful, easily delineated information collection by public bodies. We challenged the manner in which personal information was collected, used and disclosed, and government programs responded with incremental improvements or with sweeping, positive revisions.

As we crossed into the new century, we began seeing a different order of threat to the privacy and freedom of individuals. That threat is the harvesting and warehousing of all manner of details about individuals and their habits and preferences, being done in the name of customer relationship management or in support of some

yet-undefined research need. The power of computers now makes easy work of combining those dissociated bits of data into ready-made profiles on individuals.

Our mandate continues to be the supervision of how public bodies conduct themselves under FOIP. That does not restrict us from pointing out the dangers of data mining and profiling for private sector interactions. No doubt these growing irritants of the marketplace will have to be dealt with by legislative measures in the near future. But our higher concern is with government bodies who gather information on the pretext of a research need, without full disclosure to the data subjects that they have been tagged and are being tracked.

The federal government's Human Resources Development Canada (HRDC) database was one such system, and Albertans joined in the national chorus of criticism that brought that information regime crashing down in Summer 2000. Since that incident we have redoubled our vigilance for signs of similar initiatives. We have been troubled by the insistence of federal authorities, sometimes operating through the aggressive surveying activity of an overly-entrepreneurial Statistics Canada, in their effort to vacuum up and record the details of each citizen's private life. We have signaled that concern consistently to Statistics Canada, and we have taken stern actions to alert public bodies operating in Alberta to the need to fend off agencies looking to capture whole record bases for longitudinal research without any visible effort at gaining positive, written consent from the citizens involved. Consent procedures are the hallmark of respect and a recognition of privacy as a right, and we will continue to insist on their central place in the scheme of information collection.

Public Surveillance Systems

Over the past 10 years, the use of various means of surveillance has grown significantly. Surveillance is intrusive. I suspect that, in some cases, surveillance systems are set up simply because the technology is inexpensive and available. In other cases, surveillance systems are justified and perform a useful function. However, in a free and democratic society, it should be up to the proponent of the surveillance system to show that surveillance is necessary and that there is a reasonable expectation that the surveillance will bring about a desired effect.

Many forms of surveillance, video cameras are one example, involve the collection of personal information. That being the case, the *Freedom of Information and Protection of Privacy Act* will apply to the collection, use and disclosure of this information. Public bodies considering the use of surveillance systems must be able to justify the surveillance system and operate it within the terms of the Act.

I want to particularly emphasize that a public body operating a surveillance system must give the public notice provided in section 33(2) of the Act. I would suggest to public bodies that it may be in their best interests to do their own privacy impact assessment of proposed surveillance systems.

Even where a surveillance system is justified, there must be policies in place respecting the use of the system. These policies should address such things as:

- the number and placement of surveillance devices, for example, in locker rooms or washrooms;
- the strict control of access to the surveillance system including who has access to the surveillance system and under what conditions;
- how long tapes (if any) are kept.

Alberta Government Services has published its *Guidelines to Using Public Surveillance Systems*. The guidelines should be followed.

Public bodies must give careful thought to privacy considerations and accountability when implementing any surveillance scheme. I encourage public bodies to submit a Privacy Impact Assessment to my office prior to the implementation of any new surveillance initiatives. The assessment should outline the effects the proposed surveillance may have on privacy and the ways in which adverse effects can be mitigated. In addition, the assessment should make the case for a video surveillance system as opposed to other less intrusive methods.

As Commissioner, I intend to examine public bodies' decisions to implement surveillance systems. I recommend public bodies carefully consider the need for surveillance.

I would remind the private sector that, when the *Federal Personal Information Protection and Electronic Documents Act* comes into force for the private sector in 2004, there may be some implications for private sector surveillance systems. It would be prudent for entities thinking of establishing these to consider the implications now. More information in that regard may be obtained from the Federal Privacy Commissioner's Office. Their website is www.privcom.gc.ca.

Office of the Information and Privacy Commissioner

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Financial Statements
As at March 31, 2001

Office of the Information and Privacy Commissioner

Financial Statements As at March 31, 2001

Auditor's Report

Statement of Financial Position

Statement of Changes in Net Liabilities

Statement of Operations

Statement of Changes in Financial Position

Notes to the Financial Statements

Schedule 1 — Salary and Benefits Disclosure



Auditor's Report

To the Chairman, Select Standing Committee on Legislative Offices

I have audited the statement of financial position of the Office of the Information and Privacy Commissioner as at March 31, 2001 and the statements of changes in net liabilities, operations, and changes in financial position for the year then ended. These financial statements are the responsibility of the Office's management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the Office as at March 31, 2001 and the results of its operations and the changes in its financial position for the year then ended in accordance with Canadian generally accepted accounting principles.

Peter Valente FCA
Auditor General

Edmonton, Alberta
June 22, 2001

Office of the Information and Privacy Commissioner

Statement of Financial Position As at March 31, 2001

	2001	2000
ASSETS		
Current assets		
Cash	\$ 250	\$ 100
Accounts Receivable	329	—
Prepaid Expenses	370	—
	949	100
Capital assets (Note 4)	255,022	180,133
	<u>\$ 255,971</u>	<u>\$ 180,233</u>
LIABILITIES AND NET LIABILITIES		
Current liabilities		
Accounts payable	\$ 185,199	\$ 100,787
Accrued vacation pay	151,678	112,486
	336,877	213,273
Net liabilities	(80,906)	(33,040)
	<u>\$ 255,971</u>	<u>\$ 180,233</u>

The accompanying notes and schedule are part of these financial statements.

Office of the Information and Privacy Commissioner

Statement of Changes in Net Liabilities For the Year Ended March 31, 2001

	2001	2000
Net liabilities at beginning of year	\$ (33,040)	\$ (136,658)
Net operating results	(2,448,609)	(1,646,926)
Net transfer from general revenues	2,400,743	1,750,544
Net liabilities at end of year	\$ (80,906)	\$ (33,040)

The accompanying notes and schedule are part of these financial statements.

Office of the Information and Privacy Commissioner

Statement of Operations For the Year Ended March 31, 2001

	2001	2000
	Budget	Actual
	Actual	
(Note 6)		
Revenues		
Contribution from Infrastructure for accommodation provided at no charge	\$ 100,808	\$ 62,937
Contribution from Innovation and Science for telephone provided at no charge	18,891	16,805
Total Revenue	119,699	79,742
Expenses		
Voted		
Salary, wages, and employee benefits	1,891,694	1,260,514
Supplies and services	592,612	535,454
	\$ 2,718,536	1,795,968
Non-budgetary		
Accommodation and telephone costs	119,699	79,742
Capitalization of assets expensed as supplies	(145,904)	(93,888)
Amortization of capital assets	71,015	49,265
	44,810	35,119
Valuation adjustments		
Provision for vacation pay	39,192	32,302
Reduction in long-term disability insurance liability	—	(1,409)
Reduction in pension liability	—	(135,312)
	39,192	(104,419)
Total Expenses	2,568,308	1,726,668
Net operating results	\$ (2,448,609)	\$ (1,646,926)

The accompanying notes and schedule are part of these financial statements.

Office of the Information and Privacy Commissioner

Statement of Changes in Financial Position For the Year Ended March 31, 2001

	2001	2000
Operating transactions		
Net operating results	\$(2,448,609)	\$(1,646,926)
Add non-cash charges		
Amortization of capital assets	71,015	49,265
	(2,377,594)	(1,597,661)
Increase in accounts receivable	(329)	—
Increase in prepaid expense	(370)	—
Increase in accounts payable	84,412	45,424
Increase in accrued vacation pay	39,192	32,302
Decrease in long-term disability insurance liability	—	(1,409)
Decrease in pension liability	—	(135,312)
Cash used by operating transactions	(2,254,689)	(1,656,656)
Investing transactions		
Acquisition of capital assets	(145,904)	(93,888)
Financing transactions		
Net transfer from general revenues	2,400,743	1,750,544
Net cash provided	150	—
Cash, beginning of year	100	100
Cash, end of year	\$ 250	\$ 100

The accompanying notes and schedule are part of these financial statements.

Office of the Information and Privacy Commissioner

Notes to the Financial Statements for the Year Ended March 31, 2001

Note 1 Authority

The Office of the Information and Privacy Commissioner (the "Office") is operated under the authority of the Freedom of Information and Protection of Privacy Act. The net cost of the operations of the Office is borne by the General Revenue Fund of the Province of Alberta. Annual operating budgets are approved by the Select Standing Committee on Legislative Offices.

Note 2 Purpose

The Information and Privacy Commissioner ensures the protection of rights to access to records in the custody and control of public bodies as set out in legislation and will ensure that personal information is collected and disclosed or used by public bodies according to the manner and purposes set out in legislation.

Note 3 Summary of Significant Accounting Policies and Reporting Practices

These financial statements are prepared in accordance with the following accounting policies:

a) Reporting Entity

The reporting entity is the Office of the Information and Privacy Commissioner, for which the Information and Privacy Commissioner is responsible.

The Office operates within the General Revenue Fund (the "Fund"). The Fund is administrated by the Provincial Treasurer. All receipts of the Office are deposited into the Fund and all disbursements made by the Office are paid from the Fund. Net transfers from general revenues is the difference between all cash receipts and all cash disbursements made.

Note 3 Summary of Significant Accounting Policies and Reporting Practices (continued)

b) Basis of Financial Reporting

Revenues

All revenues are reported on the accrual basis of accounting.

Expenses

Expenses represent the costs of resources consumed during the year on the Office's operations.

Valuation Adjustments

Valuation adjustments include changes in the valuation allowances used to reflect financial assets and liabilities at their net recoverable or other appropriate value. Valuation adjustments also represent the change in management's estimate of future payments arising from obligations relating to vacation pay.

Assets

Amortization is calculated on a straight-line basis, over the estimated useful lives of the assets as follows:

Computer hardware and software 3 years

Furniture and other office equipment 10 years

The Office follows government budgetary practices which allow funds from an operating budget to be used to purchase capital assets costing less than \$15,000. These purchases are included in expenses on the statement of operations, but are then removed from expenses through a non-budgetary adjustment and are capitalized and amortized over their useful lives.

Liabilities

Liabilities include all financial claims payable by the Office at fiscal year end.

Net Liabilities

Net liabilities represents the difference between the value of assets held by the Office and its liabilities.

Valuation of Financial Assets and Liabilities

Fair value is the amount of consideration agreed upon in an arm's length transaction between knowledgeable, willing parties who are under no compulsion to act.

The fair values of accounts payable and accrued vacation pay are estimated to approximate their book values.

Note 4 Capital Assets

	2001		2000	
	Cost	Accumulated Amortization	Net Book Value	Net Book Value
Computer hardware and software	\$ 210,986	\$ 112,738	\$ 98,248	\$ 68,445
Furniture and other office equipment	195,658	38,884	156,774	111,688
	<u>\$ 406,644</u>	<u>\$ 151,622</u>	<u>\$ 255,022</u>	<u>\$ 180,133</u>

Note 5 Pensions

The Office participates in the multiemployer pension plans, Management Employees Pension Plan and Public Service Pension Plan. The Office also participates in the multiemployer Supplementary Retirement Plan for Public Service Managers established by the government effective July 1, 1999. The expense for these pension plans is equivalent to the annual contributions of \$138,240 for the year ending March 31, 2001 (2000 — \$98,518).

At December 31, 2000, the Management Employees Pension Plan reported a surplus of \$104,658,000 (1999 — \$46,019,000) and the Public Service Pension Plan reported a surplus of \$635,084,000 (1999 — \$517,020,000). At December 31, 2000, the Supplementary Retirement Plan for Public Service Managers had a surplus of \$180,000 (1999 — \$33,000).

Note 6 Budget

Expenses

2000 – 2001 budget ^(a)	\$ 2,718,536
Less Encumbrance for 1999 – 2000 overexpenditure	(19,000)
	<hr/>
Revised 2000 – 2001 budget	2,699,536
2000 – 2001 actual expenses (excluding valuation adjustments)	2,484,306
	<hr/>
2000 – 2001 surplus (excluding valuation adjustments)	\$ 215,230
	<hr/>

^(a)Legislative Assembly Estimates released on February 24, 2000.

Note 7 Subsequent Event

The Health Information Act was proclaimed on April 25, 2001. It sets rules around the collection, use, access and disclosure of personal health information. The Office of the Information and Privacy Commissioner is responsible for ensuring compliance and investigating complaints related to the Act. The financial effect for the fiscal year ended March 31, 2002 is estimated to be an increase in expense of \$1,018,000.

Note 8 Approval of Financial Statements

These financial statements were approved by the Information and Privacy Commissioner.

Office of the Information and Privacy Commissioner

Schedule 1 — Salary and Benefits Disclosure for the Year Ended March 31, 2001

	2001			2000	
	Full-time Equivalents	Salary ⁽¹⁾	Benefits and Allowances ⁽²⁾	Full-time Equivalents	Total
Senior official Information and Privacy Commissioner ⁽³⁾	0.7	\$ 118,652	\$ 5,005	0.7	\$ 111,316
Executive Director and General Counsel	1.0	\$ 134,204	\$ 57,159	1.0	\$ 155,777

⁽¹⁾ Salary includes regular base pay, bonuses, overtime, lump sum payments and any other direct cash remuneration.

⁽²⁾ Employer's share of all employee benefits and contributions or payments made on behalf of employees including pension, health care, dental coverage, group life insurance, short and long-term disability plans, professional memberships, moving expenses and tuition.

⁽³⁾ Mr. Robert Clark fulfills the position of Information and Privacy Commissioner and is also the Ethics Commissioner. Position is part-time and salary includes contract payments and payment of 9% of salary in lieu of participation in the Management Employees Pension Plan. Automobile is provided, but not included in benefits calculations.

Appendix

Definitions

The following is a list of meanings of terms or abbreviations that are used throughout this Manual. Additional definitions can be found in section 1 of the Freedom of Information and Protection of Privacy Act.

the Act means the Freedom of Information and Protection of Privacy Act.

affected person means a person whose interests are so affected by the outcome of the request for review, that the Commissioner deems the person should have the same rights during the inquiry as the person who requested the review and the public body.

applicant means the person who made a request for access from a public body or whose information is affected by the public body's actions.

Commissioner means the Information and Privacy Commissioner.

complainant means a person who makes a formal request that the IPC investigate a public body on one of the grounds listed in section 51(2) or 68(3).

confidential information means information which should not be available to the public.

disclosure means the act of providing access to records or information.

FOIP Coordinator means the person delegated by the head of a public body to deal with matters related to the Freedom of Information and Protection of Privacy Act.

head of public body means the minister of a government office, department, or branch, the chief executive officer, or someone else designated to preside over the public body.

HIA refers to the Health Information Act.

inquiry means a quasi-judicial process where the Commissioner decides issues of fact and law to resolve a review or complaint, which results in an Order being issued.

intervenor means a person, group or organization that does not have status under the Act, but has an interest in an issue being decided at an inquiry and is invited by the Commissioner to make a submission or present evidence.

investigation means the procedure for responding to complaints under section 51(2), for monitoring compliance with the Act under section 51(1)(a), and for whistleblower's disclosures under section 77.

Investigation Report means the document written to summarize the findings of an investigation.

IPC means the Office of the Information and Privacy Commissioner and its staff.

judicial review means an application made to the Court of Queen's Bench of Alberta for review of a Commissioner's Order.

mediation means the process of facilitating discussion between parties with the goal of negotiating a mutually accepted resolution of the dispute.

Order means a binding decision made by the Commissioner.

person means an individual, a corporation, or any other entity.

public body means a body defined by the Act.

record means recorded information in any form, including books, documents, maps, drawings, photographs, letters, vouchers, and papers.

review means the procedure described in Part 4 of the Act, followed by the IPC upon receiving a request for review.

third party means a person other than the applicant or public body, whose interests are affected by the public body's decision, as described in section 15 or 16 of the Act.

whistleblower means an employee of a public body who is notifying the Commissioner, in confidence, of some act or practice of the public body.

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